



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



January 8, 2001

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 01-02**

Jack Benson, Owner
Benson Auto Company, Incorporated
28 North Main Street
P.O. Box 6180
Franklin, NH 03235

**RE: Benson Auto Company, Incorporated, Franklin, NH
EPA ID No. NHD 018911990**

Dear Mr. Benson:

On October 25, 2000, the Department of Environmental Services (DES) conducted a multi-media partial inspection of Benson Auto Company, Incorporated, (Benson's) located in West Franklin, New Hampshire. The purpose of the inspection was to determine Benson's general compliance with environmental standards across several media: air, water and hazardous waste. The hazardous waste portion of the inspection focused on the physical storage and handling of hazardous waste and served to determine Benson's compliance status with RSA Ch. 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1000).

We appreciate your efforts to comply with the requirements for hazardous waste generators. Please keep in mind that no formal evaluation of the pertinent administrative plans and documents, such as general inspection requirements for your hazardous waste storage areas, personnel training program, contingency plan, manifest requirements or other record keeping requirements, took place during the inspection. Benson's will need to ensure their compliance with all other applicable Hazardous Waste Rules.

As a result of the inspection, the following deficiencies were documented in your hazardous waste management program which need to be corrected:

Env-Wm 502.01 – hazardous waste determination

At the time of the inspection, Benson's had not completed adequate hazardous waste determinations on the following waste streams: sludge generated by the parts washer located in the service center, paint filters generated by coating operations in the body shop, and grit blast shot deposited outdoors on the ground behind the detailing area.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Benson's perform hazardous waste determinations on the noted wastes, using the methods described below.

Parts Washer Sludge

DES believes the analyses most appropriate for this waste stream to be, at a minimum, Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals and organics under Env-Wm 403.06, and ignitability, under Env-Wm 403.03.

Spent Paint Filters

DES believes the analyses most appropriate for this waste stream to be, at a minimum, TCLP for RCRA metals and organics under Env-Wm 403.06, and ignitability, under Env-Wm 403.03.

Spent Blasting Grit

DES believes the analyses most appropriate for this waste stream to be TCLP for RCRA metals under Env-Wm 403.06.

Benson's will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as chemical analyses, to DES. For your convenience, enclosed is a partial list of laboratories that perform hazardous waste analysis. Should any of the described wastes prove to be a hazardous waste, they should be segregated and collected for delivery to a facility authorized to handle the hazardous waste. Alternatively, if any wastes are determined to be non-hazardous, Benson's may continue to dispose of them as a solid waste. If Benson's chooses, they may consider any or all of their wastes to be hazardous, and forego the expense of testing as long as the appropriate hazardous waste number is assigned to the waste.

2. Env-Wm 507.01(a)(3) - storage requirements

At the time of the inspection, one (1) container of hazardous waste located in the body shop was not closed (see container inventory).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the container.

DES requests that Benson's ensure that containers storing hazardous wastes be closed at all times, except to add or remove waste from the container.

3 Env-Wm 507.03(a)(1)a. - container marking

At the time of the inspection, one (1) container used to store hazardous waste at the facility was not properly labeled with the date of accumulation (see container inventory).

Env-Wm 507.03(a)(1) a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date.

DES requests that Benson's mark all containers used to store hazardous waste with the beginning accumulation date at the time they are first used to store hazardous waste.

4. Env-Wm 507.03(a)(1)b., c., d. - container marking

At the time of the inspection, one (1) container of hazardous waste was not marked with the words "Hazardous Waste", words that identify the contents of the container, and the EPA or state waste number (see container inventory).

Env-Wm 507.03(a)(1)b., c., d. require that all containers used for the storage of hazardous waste be marked with the words "Hazardous Waste", words that identify the contents of the container, and the EPA or state waste number.

DES requests that Benson's mark all containers used to store hazardous waste with the words "Hazardous Waste", words that identify the contents of the container, and the EPA or state waste number.

5. Env-Wm 807.06(b)(4) – standards for generators of used oil being recycled

At the time of the inspection, Benson's was storing used oil destined for recycling in numerous containers, none of which were labeled with the words "Used Oil for Recycle" (see container inventory).

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label used oil containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Benson's label all used oil containers destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

6. Env-Wm 807.06(b)(5) – standards for generators of used oil being recycled

At the time of the inspection, Benson's was storing used oil destined for recycling in numerous containers which were not closed (see container inventory).

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove waste.

DES requests that all used oil containers and tanks be kept closed at all times except to add or remove waste. Safety funnels which thread into the bung and have closeable lids that seal are acceptable for this purpose.

7. Env-Wm 807.10(b)(1) - standards for burners of used oil fuel

At the time of the inspection, Benson's stated that they burn used oil in two space heaters on-site. No notification of this burner activity has been received by DES from this facility.

Env-Wm 807.10(b)(1) requires burners of used oil fuel to notify DES of their used oil activities.

DES requests that Benson's notify DES of their used oil burning, using the enclosed notification form.

At the time of the inspection it was also noted that Benson's has floor drains in the service bays of their facility. Jack Benson, owner of Benson's, stated that these floor drains were routed to the parking lot drains. By copy of this letter, this issue has been referred to DES's Water Division (WD). Depending on the

chemical composition and eventual fate of the floor drain waste, this practice may be subject to regulatory requirements by the WD. DES expects Benson's to pursue the issue of the discharge of the floor drains and any registration that may be necessary by contacting Mitchell Locker of the WD at 271-2858.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Benson's can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Benson's, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of your facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed please find the Multi-Media Partial Inspection Checklist to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire hazardous waste Rules.

For your information, a current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at

<http://www.des.state.nh.us/hwcs/>

or by contacting the Public Information and Permitting Section at (603)271-2975

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Tim Prospert or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on water related issues, may be directed to Sharon Ducharme of the DES's Water Division at 271-3908, and for air related issues, please contact Pam Monroe of the DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

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RCRA/DB/LOD/ARCHIVE

cc: Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Esq., DES Enforcement Coordinator

e-mail: Stephanie D'Agostino, DES Pollution Prevention Coordinator
Sharon Ducharme, DES/WD
Pam Monroe, DES/ARD
Mitch Locker, DES/WD

Enclosures: Multi-Media Partial Inspection Checklist
List of Analytical Laboratories Fact Sheet
Summary of Used Oil Regulations Fact Sheet
Notification Form